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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 30TH DAY OF JUNE 1998

BEFORE

THE HON'BLE MR.JUSTICE CHANDRASHEKARAI AH

W.P.NO.13896/1998

BETWEEN:

Smt.B.Nirmalamma,  
w/o B.Basavarajappa,  
aged about 35 years,  
r/at Basaveswara Badavane,  
Nandagudi Road,  
Malebennur post,  
Harihara taluk,  
Davanagere district.

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..PETITIONER

(By Sri K.Nageswarappa, Adv.)

AND:

1. State of Karnataka,  
represented by its  
Secretary to Department  
of Rural Development  
& Panchayath Raj,  
M.S.Building,  
Bangalore-560 001.
2. State Election Commissioner,  
represented by its Secretary,  
KSCMF Building(Behind),  
No.8, I Floor,  
Cunningham Road,  
Bangalore-560 052.

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3. Davanagere District Zilla  
Panchayath, Davanagere  
District, Davanagere  
by its Chief Secretary.

4. L.Shankar Nayak,  
s/o H.B.Laxman,  
aged 43 years,  
Agriculturist,  
member, Zilla  
panchayath,  
Davanagere district  
and r/at Hulikatte,  
Davanagere taluk &  
District.

Amended As per c/o dt.12.6.98

..RESPONDENTS

(By Sri A.Nagarajappa, GA for R-1 & R-2,  
Sri C.Lakshminarayana, Adv. for R-4)

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This writ petition is filed under Articles 226 & 227 of the constitution of India with a prayer to quash Annex.A dt.6.4.98 by R-2 in so far as it relates to the reservation of the posts of vice-president to Davanagere district-Zilla panchayath, Davanagere and etc.

This writ petition coming on for prly. hearing in B group this day, the court made the following:-

ORDER

The petitioner in this writ petition has challenged the reservation of post of Upadhyaksha for SC in respect of Davanagere District. In the statement of objections it is stated that the post of Upadhyaksha in respect of Davanagere district has been reserved

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to the SC on the basis of the total population of SC in the Davanagere District. The particulars of the population in respect of seven newly constituted Zilla Panchayaths have been furnished at para no.14 of the statement of objections.

Earlier the post of Upadhyaksha was reserved for BC-B(Women) by mistake. Thereafter this mistake was rectified by issuing another notification reserving the post of Upadhyaksha to SC on the basis of the percentage of population. Therefore I find no illegality or irregularity in reserving the post of Upadhyaksha in respect of Davanagere District for SC. In the result, I pass the following order:

Writ petition is rejected. In view of this the respondent-State Government may take immediate steps to fill up the post of Upadhyaksha as per the reservation made.



Sd/-  
JUDGE